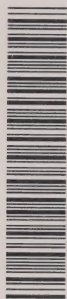


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# Government Levels of Responsibility for Corrections



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Two levels of government share responsibility for persons sentenced to a prison term. At the federal level, the Correctional Service Canada is responsible for convicted offenders sentenced to two years or more. At the provincial level, the 10 provincial governments are each responsible for offenders in their provinces who are detained in jail before and during trial and those sentenced to prison terms of less than two years.



Ontario

Ministry of  
Correctional  
Services

Honourable Nicholas G. Leluk  
Minister  
George R. Podrebarac  
Deputy Minister

## GOING TO COURT

Dennis L. stood with several other prisoners in the jail waiting area while the two policemen checked over the list of those scheduled to appear in court that day.

Another prisoner, Jim, shouted to the policemen to get a move on because he wanted to know what the judge was going to give him this time.

When one of the policemen told Jim not to make so much noise, he turned to the other prisoners and shouted "I'm going down the road this time."

What Jim meant was that the crime for which he had been arrested was of such a serious nature that the judge probably would give him a sentence of two years or more. That would mean transfer to a federal institution (penitentiary), where all the prisoners would be serving sentences of two years or more.

Dennis knew that Jim had robbed an old man and hit him over the head, but he didn't know how seriously the old man had been hurt.

Dennis had been arrested for stealing a car and wrecking it while he was drunk, and he had been charged also for driving while impaired. Since it was his first offence he was hoping the judge would give him a short sentence and recommend a temporary absence, so that he could go back to work soon.

Finally, a correctional officer opened the jail door and the prisoners were told to get into the police paddy wagon for the ride to the courthouse.

## THE JUDGE DECIDES

Jim's case was heard first.

The judge listened to Jim's legal aid lawyer explain the circumstances under which the crime had been committed. Jim's friends had taken part in the robbery, but had run away before police arrived on the scene.

The judge commented on Jim's previous record, which included several break, enter, and theft charges and a breach of a probation order.

As he stood to hear what the judge's sentence would be, Jim started to feel anxious.



When he heard he was to serve six years in a federal institution, he suddenly took on a very unhappy look. He knew it would be at least two years before he could apply for release on parole.

Then it was Dennis's turn to stand before the judge.

The sentence was four months with a recommendation for a work temporary absence after 30 days of the sentence had been served. Even more lenient than Dennis had hoped for. His driver's licence was automatically suspended for three months. Then the judge said that when Dennis had completed his prison sentence he would be put on probation for two years and would not be allowed to drink alcoholic beverages. The judge also recommended that Dennis take a driver education course during that time.

Dennis was told that if he was caught drinking during these two years he would be charged with violating his probation order and, if convicted, sent to jail.

#### SERVING THE SENTENCE

Once all the prisoners had appeared before the judge for sentencing, they were returned in the paddy wagon to the jail to wait for their transfer to another institution, or to stay in the jail if their sentences were short enough.

Jim and the other prisoners who had received sentences of two years or more were then classified by federal officials according to the type of security (maximum, medium, minimum) and the type of institution program which they were seen as requiring. Four weeks later they were handcuffed and put in leg irons for their trip on a provincial government bailiffs' bus to a federal penitentiary.

All prisoners serving time in a federal institution earn some money for the work they do. As well as being employed, inmates may be involved in academic classes or trades and industrial training.

Jim was encouraged to finish his Grade 9 level and make a start on Grade 10. He also agreed to take part in a microfilming course after he learned that other inmates who were now back in the community were earning good salaries at this highly technical skill.

Dennis remained in the local provincial jail and immediately put in his application for a temporary absence pass. He contacted his

employer, who agreed to rehire him if his application was approved. Dennis had always been a good employee and his boss felt he deserved another chance.

During the first 30 days of his sentence while he waited to hear if his application had been accepted, Dennis joined an alcoholics anonymous (AA) group that met once a week in the jail. Before his arrest he didn't think he had a drinking problem. Now, it was different. He never wanted to be in jail again.

#### SENTENCED INMATES

Under the provisions of the Criminal Code of Canada, persons sentenced to two years or more are imprisoned in a federal penitentiary. Anyone sentenced to less than two years, however, is imprisoned in a provincial reformatory (correctional centre, jail, or detention centre). The only exceptions occur when the province and the federal government contract to exchange offenders for specific purposes (e.g., moving an offender close to home near the end of his or her sentence).

A significant number of inmates in provincial institutions have previously served a sentence of two years or more in a federal institution. Inmates cannot, therefore, be considered 'dangerous' or 'not dangerous' according to the level of government housing them.

This is why both levels of government have institutions which are classified as maximum, medium, and minimum security. Once a judge sentences the offender for the crime for which he or she was arrested, the classification of the prisoner is the responsibility of either the Correctional Service Canada (sentences of two years or more) or, in Ontario, the Ministry of Correctional Services (sentences of less than two years).

#### PAROLE

The two levels of government also have divided responsibility for parole decisions. Parole is a means of releasing selected prisoners into the community to complete their sentences.

The National Parole Board reports to the Solicitor General Canada and is responsible for parole decisions affecting any prisoner in Canada, with the exception of prisoners serving sentences in provincial institutions in Ontario, Quebec, and British Columbia. These provinces have their own parole boards.